

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:05CR215
)	
MAHER AMIN JARADAT,)	
)	
Defendant.)	

PLEA AGREEMENT

Paul J. McNulty, United States Attorney for the Eastern District of Virginia, Heather M. Schmidt, Special Assistant United States Attorney, and Gordon D. Kromberg, Assistant United States Attorney, the defendant, Maher Amin Jaradat, and the defendant's counsel have entered into an agreement pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The terms of the agreement are as follows:

1. Offense and Maximum Penalties

The defendant agrees to plead guilty to Count One of the indictment charging the defendant with unlawful procurement of citizenship, in violation of Title 18, United States Code, Section 1425(a). The maximum penalties for this offense are a maximum term of ten years of imprisonment, a fine of \$250,000, full restitution, a special assessment, and three years of supervised release. The defendant understands that this supervised release term is in addition to any prison term the defendant may receive, and that a violation of a term of supervised release could result in the defendant being returned to prison for the full term of supervised release. As a result of pleading guilty to the abovementioned offense, the court shall revoke, set aside and declare void the final

order admitting the defendant to citizenship, and shall declare the certificate of naturalization of the defendant to be canceled pursuant to Title 8, United States Code, Section 1451.

2. Factual Basis for the Plea

The defendant will plead guilty because the defendant is in fact guilty of the charged offense. The defendant admits the facts set forth in the statement of facts filed with this plea agreement and agrees that those facts establish guilt of the offense charged beyond a reasonable doubt. The statement of facts, which is hereby incorporated into this plea agreement, constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

3. Assistance and Advice of Counsel

The defendant is satisfied that the defendant's attorney has rendered effective assistance. The defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

- a. the right to plead not guilty and to persist in that plea;
- b. the right to a jury trial;
- c. the right to be represented by counsel – and if necessary have the court appoint counsel – at trial and at every other stage of the proceedings; and
- d. the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

4. Role of the Court and the Probation Office

The defendant understands that the Court has jurisdiction and authority to impose any sentence within the statutory maximum described above but that the Court will determine the

defendant's actual sentence in accordance with 18 U.S.C. § 3553(a). The defendant understands that the Court has not yet determined a sentence and that any estimate of the advisory sentencing range under the U.S. Sentencing Commission's Sentencing Guidelines Manual the defendant may have received from the defendant's counsel, the United States, or the Probation Office, is a prediction, not a promise, and is not binding on the United States, the Probation Office, or the Court. Additionally, pursuant to the Supreme Court's decision in *United States v. Booker*, 125 S. Ct. 738, the Court, after considering the factors set forth in 18 U.S.C. § 3553(a), may impose a sentence above or below the advisory sentencing range, subject only to review by higher courts for reasonableness. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence. Notwithstanding the foregoing, the parties agree that there exists no aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the Guidelines that should result in a sentence outside of the advisory guidelines range. Accordingly, the parties agree not to seek or support any sentence outside of the advisory guideline range for any reason not set out explicitly in this agreement.

5. Waiver of Appeal, FOIA and Privacy Act Rights

The defendant also understands that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed. Nonetheless, the defendant knowingly waives the right to appeal the conviction and any sentence within the statutory maximum described above (or the manner in which that sentence was determined) on the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatsoever, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of

the United States as set forth in Title 18, United States Code, Section 3742(b). The defendant also hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, Title 5, United States Code, Section 552, or the Privacy Act, Title 5, United States Code, Section 552a.

6. Special Assessment

Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars (\$100.00) per count of conviction.

7. Payment of Monetary Penalties

The defendant understands and agrees that, pursuant to Title 18, United States Code, Sections 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States as provided for in Section 3613. Furthermore, the defendant agrees to provide all of his financial information to the United States and the Probation Office and, if requested, to participate in a pre-sentencing debtor's examination. If the Court imposes a schedule of payments, the defendant understands that the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. If the defendant is incarcerated, the defendant agrees to participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments.

8. Immunity from Further Prosecution in this District

The United States will not further criminally prosecute the defendant in the Eastern District of Virginia for the specific conduct described in the indictment or statement of facts.

9. Consent to Removal from the United States

The defendant acknowledges that the defendant will be removable from the United States and agrees not to contest any removal proceedings brought against the defendant by the Department of Homeland Security (DHS). If the DHS files a Notice to Appear or other administrative charging document against the defendant, the defendant agrees to request an expedited removal hearing and to consent to removal. The defendant acknowledges that by consenting to removal, the defendant will be immediately removed from the United States upon the completion of any period of incarceration. The defendant knowingly waives any and all rights to appeal, reopen, reconsider, or otherwise challenge this removal.

10. Waiver of Rights Related to Removal from the United States

The defendant agrees to waive the defendant's rights to any and all forms of relief from removal, deportation, or exclusion under the Immigration and Nationality Act (as amended) and related federal regulations. These rights include, but are not limited to, the ability to apply for the following forms of relief: (a) voluntary departure; (b) asylum; (c) cancellation of removal; (d) withholding or suspension of deportation; and (e) adjustment of status. In addition, the defendant agrees to waive the defendant's rights to relief from removal under Article 3 of the Convention Against Torture.

11. Abandonment of Pending Applications for Relief from Removal

The defendant understands that any application for relief from removal, deportation, or exclusion the defendant filed prior to the completion of this plea agreement shall be deemed abandoned. The defendant further understands and agrees that the filing of any applications for relief from removal, deportation, or exclusion, either written or oral, or the prosecution of any pending applications, before any federal court, the Board of Immigration Appeals, an immigration judge, or the DHS, shall breach this plea agreement.

12. The Defendant's Cooperation in Removal Proceedings

The defendant agrees to assist the DHS in the execution of the defendant's removal. Specifically, the defendant agrees to assist the DHS in the procurement of any travel or other documents necessary for the defendant's removal; to meet with and to cooperate with representatives of the country or countries to which the defendant's removal is directed; and to execute those forms, applications, or waivers needed to execute or expedite the defendant's removal. The defendant further understands that the defendant's failure or refusal to assist the DHS in the execution of the defendant's removal shall breach this plea agreement and may subject the defendant to criminal penalties under Title 8, United States Code, Section 1253.

13. Breach of the Plea Agreement and Remedies

This agreement is effective when signed by the defendant, the defendant's attorney, and an attorney for the United States. The defendant agrees to entry of this plea agreement at the date and time scheduled with the Court by the United States (in consultation with the defendant's attorney). If the defendant withdraws from this agreement, or commits or attempts to commit any additional federal, state or local crimes, or intentionally gives materially false, incomplete, or misleading testimony or information, or otherwise violates any provision of this agreement, then:

- a. The United States will be released from its obligations under this agreement, including any obligation to seek a downward departure or a reduction in sentence. The defendant, however, may not withdraw the guilty plea entered pursuant to this agreement;
- b. The defendant will be subject to prosecution for any federal criminal violation, including, but not limited to, perjury and obstruction of justice, that is not time-barred by the applicable statute of limitations on the date this agreement is signed. Notwithstanding the subsequent expiration of the statute of limitations, in any such prosecution, the defendant agrees to waive any statute-of-limitations defense; and
- c. Any prosecution, including the prosecution that is the subject of this agreement, may be premised upon any information provided, or statements made, by the defendant, and all such information, statements, and leads derived therefrom may be used against the defendant. The defendant waives any right to claim that statements made before or after the date of this agreement, including the statement of facts accompanying this agreement or adopted by the defendant and any other statements made pursuant to this or any other agreement with the United States, should be excluded or suppressed under Fed. R. Evid. 410, Fed. R. Crim. P. 11(f), the Sentencing Guidelines or any other provision of the Constitution or federal law.

Any alleged breach of this agreement by either party shall be determined by the Court in an appropriate proceeding at which the defendant's disclosures and documentary evidence shall be

admissible and at which the moving party shall be required to establish a breach of the plea agreement by a preponderance of the evidence.

14. Nature of the Agreement and Modifications

This written agreement constitutes the complete plea agreement between the United States, the defendant, and the defendant's counsel. The defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in writing in this plea agreement, to cause the defendant to plead guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

Paul J. McNulty
United States Attorney

By: _____
[Heather M. Schmidt](#)
Special Assistant United States Attorney

APPROVED:

Name of Approving Supervisor

Date of Approval: _____

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending criminal indictment. Further, I fully understand all rights with respect to 18 U.S.C. § 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.

Date: _____
_____ Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending indictment. Further, I have reviewed 18 U.S.C. § 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: _____
_____ Counsel for the Defendant

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STATEMENT OF FACTS

_____ Were this matter to go to trial, the United States of America would prove the following facts beyond a reasonable doubt:

1. Between on or about March 6, 1995, and on or about June 6, 1995, in Arlington County, in the Eastern District of Virginia, defendant MAHER AMIN JARADAT did knowingly procure his own naturalization contrary to law, in that (A) on or about March 6, 1995, he caused to be submitted to the Immigration and Naturalization Service (“INS”) an INS Form I-400, an Application for Naturalization, the contents of which he certified under penalty of perjury to be true and correct even though, as he well knew, they falsified and concealed material facts and contained materially false, fictitious and fraudulent statements and representations, and (B) on or about June 6, 1995, he appeared before an officer of the INS in connection with his application for naturalization, and under oath swore that the contents of the application were true even though, as he well knew, they contained false statements.

2. This Statement of Facts does not contain each and every fact known to the defendant and to the United States concerning the defendant's and other's involvement in the charges set forth in the plea agreement.

3. MAHER AMIN JARADAT's application for naturalization contained false representations and false statements and concealed material facts, including the following:

- a. At Part 9 (Memberships and Organizations) of the Application for Naturalization, in response to the direction to list his present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place, the defendant failed to disclose that in 1980 he had been a member of the Democratic Front for the Liberation of Palestine ("DFLP") for 16 months, and studied bomb making and the use of small arms at a DFLP camp in Syria and engaged in security duties in Lebanon, and that starting in 1981, he also had been a member of al-Fatah;
- b. At Part 7 (Additional Eligibility Factors) of the Application for Naturalization, in response to Question 1, the defendant denied that he had ever been a member of, or in any way connected or associated with the Communist Party, or had ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or had ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism, when in fact, as he then well knew, he had been a member of the DFLP, an organization that he believed to be a communist organization funded and armed by the Soviet Union;
- c. At Part 7 (Additional Eligibility Factors) of the Application for Naturalization, in response to Question 12g, the defendant stated that he had never given false testimony for the purpose of obtaining any immigration benefit even though, on or about January 3, 1991, for the purpose of obtaining approval of his application for permanent residence in the United States, he had sworn to the truth of the following false information contained in his Application for Permanent Residence, INS Form I-485:
 - i. He had no present or past memberships in or affiliation with any organization, association, fund, foundation, party, club, society or similar group in the United States or in any other country or place other than the Jordanian military when, in fact, as he well knew, he

had been a member of the DFLP and al-Fatah, as described in Paragraph 1, above;

- ii. He had never been a member of or affiliated with any communist party, including any subdivision or affiliate, when, in fact, as he well knew, he had been a member of the DFLP, as described in Paragraph 2, above;
 - iii. He had never been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance when in fact, as he well knew, he had been arrested for assault and battery in the City of Alexandria in 1990;
 - iv. He had never advocated or taught by personal utterance or through affiliation with an organization the overthrow of government by force or violence, the assaulting or killing of government officials because of their official character, the unlawful destruction of property, sabotage, or the doctrine of world communism, when, in fact, as he well knew, he had done so through affiliation with the DFLP and al-Fatah, as described in Paragraphs a and b, above; and
 - v. He had never used any names other than “Maher Amin Jaradat” and “Sulayman Haj Ibrahim,” when in fact, as the defendant then well knew, he had also used the name “Maher Amin Sulayman” but failed to include the name on his Biographic Information form, INS Form G-325A, submitted in connection with his Application for Permanent Residence.
- d. At Part 7 (Additional Eligibility Factors) of the Application for Naturalization, in response to question 15(a), he asserted that he had never knowingly committed any crime for which he had not been arrested, when in fact, as he then well knew, on or about January 3, 1991, he caused to be submitted to the INS under penalty of perjury an INS Form I-485, Application for Permanent Residence, and swore an oath before an officer of the INS attesting to the truth of the contents of that application, with respect to which his certification and oath were false in violation of 18 U.S.C. § 1001 and § 1546, because he knew that certain information contained on his Application for Permanent Residence was false, but he had not been arrested for those offenses. The defendant knew that information contained in his Application for Permanent Residence was false because it included his statement, on an INS Form G-325A that was submitted to the INS in connection with his application, that he had never used any names other than

“Maher Amin Jaradat” and “Sulayman Haj Ibrahim,” when in fact, as stated above, the defendant had also used the name “Maher Amin Sulayman;” and

- e. At Part 7 (Additional Eligibility Factors) of the Application for Naturalization, in response to Question 15(b), the defendant stated that he had never been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations, when in fact, as the defendant then well knew, he had been arrested for assault and battery in 1990 in the City of Alexandria.

4. The Statement of Facts shall be admissible as a knowing and voluntary confession in any proceeding against the defendant regardless of whether the plea agreement is presented to or accepted by a court. Moreover, the defendant waives any rights that the defendant may have under Fed. R. Crim. P. 11(f), Fed. R. Evid. 410, the United States Constitution, and any federal statute in objecting to the admissibility of the Statement of Facts in any such proceeding.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By: _____
Heather M. Schmidt
Special Assistant U.S. Attorney

SEEN AND AGREED TO BY:

Maher Amin Jaradat
Defendant

Maher Hanania, Esq.
Counsel for Defendant